

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

CARLETTA LEWIS, *

Parent of SEAN HICKS, Deceased, *

Petitioner, *

v. *

SECRETARY OF HEALTH *

Respondent. *

No. 10-044V
Special Master Christian J. Moran

Filed: November 13, 2012

Attorneys' fees and costs; award
in the amount to which respondent
does not object.

UNPUBLISHED DECISION ON FEES AND COSTS¹

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner;
Chrysovalantis P. Kefalas, U.S. Dep't of Justice, Washington, D.C., for Respondent.

Petitioner Carletta Lewis, as the parent of Sean Hicks ("Sean"), deceased, filed an application for attorneys' fees and costs on August 30, 2012. After informal discussions with respondent, petitioner amended her application. On November 8, 2012, respondent filed a stipulation of facts concerning attorneys' fees and costs ("stipulation"). The Court awards the amount to which respondent does not object.

Ms. Lewis claimed that the diphtheria-tetanus-acellular pertussis, hepatitis B, inactivated polio, haemophilus influenzae, and pneumococcal conjugate vaccines caused Sean's death. Petitioner received compensation based upon the parties' stipulation. Decision, filed Feb. 22, 2012. Because Ms. Lewis received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Petitioner seeks **\$29,787.35** in attorneys' fees and costs for her counsel, Conway, Homer & Chin-Caplan, P.C., and **\$1,317.10** in attorneys' fees and costs for her former counsel, Bailey Melvin, Esq. Additionally, Ms. Lewis filed a statement of costs in compliance with General Order No. 9, stating that she incurred **\$280.25** while pursuing this claim. Respondent stated that she has no objection to the foregoing attorneys' fees and costs.

After reviewing the request, the court awards the following:

1. **A lump sum of \$29,787.35 in the form of a check** payable jointly to petitioner's attorney, Ronald C. Homer, of the law firm Conway, Homer & Chin-Caplan, P.C., and petitioner, Carletta Lewis, for attorneys' fees and costs available under 42U.S.C. § 300aa-15(e).
2. **A lumps sum of \$1,317.10 in the form of a check** payable jointly to petitioner's former attorney, Bailey Melvin, Esq., and petitioner, Carletta Lewis, for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e).
3. **A lump sum of \$280.25 in the form of a check** payable to petitioner, Carletta Lewis, for out-of-pocket litigation costs.

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.